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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter ANDREWS *et al.*

Title: PLURIPOTENTIAL CELLS-1

Appl. No.: 09/913,853

Filing Date: 12/20/2001

Examiner: Thaian Ton

Art Unit: 1632

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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed June 27, 2003, Applicants hereby provisionally elect Group I, Claims 1-20, 22, 24, 26 and 30, for examination, with traverse.

The present application is a National Stage filing of PCT/GB00/00582. As such, it is subject to the requirements for unity of invention that are set forth in the Patent Cooperation Treaty. Guidance regarding types of claims for which unity of invention exists under the PCT is provided in Annex B of the Administrative Instructions under the PCT in the MPEP. Based on this guidance it is submitted that unity of invention exists with respect to claims currently grouped separately.

Group I is drawn to cells, cell lines, and cell cultures comprising at least part of the cytoplasm derived from an embryonal teratocarcinoma cell or a cytoplasm from a teratocarcinoma cells. The cell has a nucleus obtained from a differentiated somatic cell and only contains the genome of the differentiated somatic cell. Group III is drawn to tissues or organs **comprising at least one cell as defined in claim 1**. This is similar to Example 8 in Annex B in which two different products share the same special technical feature. The special technical feature uniting Groups I and III is the defined content of the cell nucleus and cytoplasm. Groups I and IV also share this same special technical

feature, with claim 27 reciting a kit ***comprising at least one cell according to claim 1***. Accordingly, Groups I, III and IV all should be examined together.

Groups II and V relate to methods of using a product recited in Groups I and III, respectively. Under the doctrine set forth in *In re Ochiai*, these claims must be examined in this application once an allowable scope for the corresponding product claim has been indicated, provided that the claims directed to the methods of using the products contain, or are amended to contain, all of the limitations of an allowed product claim. Therefore, the claims of Groups II and V remain pending, but presently withdrawn from consideration.

Applicants now await an initial action on the merits. Should there be any matter requiring further attention, the examiner is invited to contact the undersigned at the local telephone exchange provided below.

Respectfully submitted,

Date 27 June 2003

By 

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